



**STATE OF NEW JERSEY**

In the Matter of Legal Secretary 1  
(C0320W), Bergen County

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2021-1749

Administrative Appeal

**ISSUED: SEPTEMBER 7, 2021 (JET)**

---

The matter of Bergen County’s failure to make an appointment from the OL180500 certification for Legal Secretary 1 (C0320W), Bergen County has been referred to the Civil Service Commission (Commission) for review, pursuant to the *In the Matter of Legal Secretary 1 (C0320W), Bergen County* (CSC, decided June 12, 2019).

As background, in the above-cited matter, the Commission determined that the examination for Legal Secretary 1 (C0320W) was generated due to the appointing authority’s appointment of a provisional employee to the subject title. However, after the OL180500 certification was issued, the appointing authority moved the provisional employee, and as such, there were no longer any provisional employees serving in the subject title. As such, the Commission determined there was sufficient justification to grant an appointment waiver. However, the appointing authority indicated in the prior matter that it might utilize the list prior to its May 16, 2021 expiration date. As such, the Commission determined that, while it was not appropriate at the time of that decision to assess costs of the selection process, if the appointing authority failed to make an appointment from the list by the May 16, 2021 expiration date, the matter would again be reviewed to ascertain whether an assessment of costs would be appropriate.

A review of the record indicates that Bergen County did not make any appointments from the list prior to its May 16, 2021 expiration. Subsequently, Bergen County was afforded the opportunity to submit information as to why the

\$2,048 in selection costs should not be assessed. Despite the opportunity, Bergen County did not submit any information or arguments.

### CONCLUSION

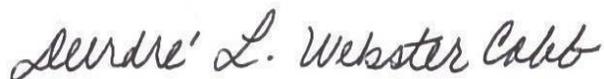
*N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse this agency for the costs of the selection process. While two of the primary activities of this agency include administering the examination process and providing the names of eligible candidates to the jurisdictions under the Civil Service system, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists and candidates have needlessly expended their effort and money to take the examination with hopes of being considered for a permanent appointment. Additionally, the appointing authority did not take any action to obviate the need for the examination at the time of the announcement or prior to its processing. Furthermore, the appointing authority did not provide a sufficient basis to waive the costs. Therefore, although the request for a waiver was appropriately granted in the prior decision, it is appropriate that the appointing authority be assessed for the costs of the selection process.

### ORDER

Therefore, it is ordered that the appointing authority be assessed for the costs of the selection process in the amount of \$2,048 to be paid within 30 days of the issuance of this order.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF SEPTEMBER, 2021



---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Michele Popkin  
Division of Appeals and Regulatory Affairs  
Division of Agency Services  
Records Center